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International Law Commission
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Geneva, 20 April–12 June 1998
New York, 27 July–14 August 1998

Draft report

Rapporteur: Mr. Christopher John Robert **Dugard**

Chapter I

Introduction

1. The International Law Commission held the first part of its fiftieth session at its seat at the United Nations Office at Geneva, from 20 April to 12 June 1998, and the second part at United Nations Headquarters in New York, from 27 July to 14 August 1998.

A. Membership

2. The Commission consists of the following members:

Mr. Emmanuel Akwei Addo (Ghana)

Mr. Husain Al-Baharna (Bahrain)

Mr. Awn Al-Khasawneh (Jordan)

Mr. Joao Clemente Baena Soares (Brazil)

Mr. Mohamed Bennouna (Morocco)

Mr. Ian Brownlie (United Kingdom)

Mr. Enrique J. A. Candioti (Argentina)

Mr. James Richard Crawford (Australia)

Mr. Christopher John Robert Dugard (South Africa)

Mr. Constantin P. Economides (Greece)

Mr. Nabil Elaraby (Egypt)

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Mr. Luigi Ferrari Bravo (Italy)

Mr. Zdzislaw Galicki (Poland)

Mr. Raul Ilustre Goco (Philippines)

Mr. Gerhard Hafner (Austria)

Mr. Qizhi He (China)

Mr. Mauricio Herdocia Sacasa (Nicaragua)

Mr. Jorge E. Illueca (Panama)

Mr. Peter C. R. Kabatsi (Uganda)

Mr. James Lutabanzibwa Kateka (United Republic of Tanzania)

Mr. Mochtar Kusuma-Atmadja (Indonesia)

Mr. Igor Ivanovich Lukashuk (Russian Federation)

Mr. Teodor Viorel Melescanu (Romania)

Mr. Václav Mikulka (Czech Republic)

Mr. Didier Opertti-Badan (Uruguay)

Mr. Guillaume Pambou-Tchivounda (Gabon)

Mr. Alain Pellet (France)

Mr. Pemmaraju Sreenivasa Rao (India)

Mr. Victor Rodríguez Cedeño (Venezuela)

Mr. Robert Rosenstock (United States)

Mr. Bernardo Sepúlveda (Mexico)

Mr. Bruno Simma (Germany)

Mr. Doudou Thiam (Senegal)

Mr. Chusei Yamada (Japan)

B. Officers and the Enlarged Bureau

3. At its 2519th meeting, on 20 April 1998, the Commission elected the following officers:

Chairman: Mr. Joao Clemente Baena Soares

First Vice-Chairman: Mr. Igor Ivanovich Lukashuk

Second Vice-Chairman: Mr. Raul Ilustre Goco

Chairman of the Drafting Committee: Mr. Bruno Simma

Rapporteur: Mr. Christopher J. R. Dugard

4. The Enlarged Bureau of the Commission was composed of the officers of the present session, the previous Chairman of the Commission[1] and the Special Rapporteurs.[2]

5. On the recommendation of the Enlarged Bureau, the Commission set up a Planning Group composed of the following members: Mr. I. Lukashuk (Chairman), Mr. A. Addo, Mr. N. Elaraby, Mr. L. Ferrari Bravo, Mr. Z. Galicki, Mr. R. Ilustre Goco, Mr. Q. He, Mr. J. E. Illueca, Mr. J. L. Kateka, Mr. M. Kusuma-Atmadja, Mr. D. Opertti-Badan, Mr. E. Pambou-Tchivounda, Mr. B. Sepúlveda, Mr. D. Thiam, and Mr. C. J. R. Dugard (*Ex-officio*).

C. Drafting Committee

6. The Commission established a Drafting Committee, composed of the following members for the topics indicated:

Prevention of transboundary damage from hazardous activities: Mr. B. Simma (Chairman), Mr. P. S. Rao (Special Rapporteur), Mr. E. A. Addo, Mr. H. Al-Baharna, Mr. E. J. A. Candioti, Mr. C. P. Economides, Mr. L. Ferrari Bravo, Mr. Z. Galicki, Mr. G. Hafner, Mr. P. C. R. Kabatsi, Mr. R. Rosenstock, Mr. G. Pambou-Tchivounda, Mr. C. Yamada and Mr. C. J. R. Dugard (*Ex-officio*).

State responsibility: Mr. B. Simma (Chairman), Mr. J. Crawford (Special Rapporteur), Mr. E. A. Addo, Mr. M. Bennouna, Mr. I. Brownlie, Mr. E. J. A. Candioti, Mr. C. P. Economides, Mr. L. Ferrari-Bravo, Mr. Z. Galicki, Mr. G. Hafner, Mr. Q. He, Mr. J. L. Kateka, Mr. I. I. Lukashuk, Mr. T. V. Melescanu, Mr. R. Rosenstock, Mr. V. Rodriguez Cedeño, Mr. C. Yamada and Mr. C. J. R. Dugard (*Ex-officio*).

Reservations to treaties: Mr. B. Simma (Chairman), Mr. A. Pellet (Special Rapporteur), Mr. A. Addo, Mr. A. Al-Khasawneh, Mr. I. Brownlie, Mr. E. J. A. Candioti, Mr. C. P. Economides, Mr. Z. Galicki, Mr. G. Hafner, Mr. Q. He, Mr. M. Herdocia Sacasa, Mr. P. C. R. Kabatsi, Mr. J. L. Kateka, Mr. I. I. Lukashuk, Mr. T. V. Melescanu, Mr. V. Mikulka, Mr. R. Rosenstock, Mr. V. Rodriguez Cedeño and Mr. C. J. R. Dugard (*Ex-officio*).

7. The Drafting Committee held a total of ___ meetings on the three topics indicated above.

D. Working groups

8. The Commission also established the following Working Groups composed of the members indicated:

(a) *State responsibility*: Mr. B. Simma (Chairman), Mr. J. Crawford (Special Rapporteur), Mr. Constantin P. Economides, Mr. Nabil Elaraby, Mr. L. Ferrari Bravo, Mr. Z. Galicki, Mr. Q. He, Mr. G. Pambou-Tchivounda, Mr. R. Rosenstock, Mr. C. Yamada and Mr. J. Dugard (*Ex-officio*);

(b) *Unilateral acts of States*: Mr. E. Candioti (Chairman), Mr. V. Rodriguez Cedeño (Special Rapporteur), Mr. C. Economides, Mr. L. Ferrari Bravo, Mr. P. C. R. Kabatsi, Mr.

[1] Mr. A. Pellet.

[2] Mr. M. Bennouna, Mr. J. R. Crawford, Mr. V. Mikulka, Mr. A. Pellet, Mr. P. S. Rao and Mr. V. Rodriguez Cedeño.

(c) *Nationality in relation to succession of States*: Mr. V. Mikulka (Chairman; Special Rapporteur), Mr. E. A. Addo, Mr. H. Al-Baharna, Mr. I. Brownlie, Mr. E. J. Candioti, Mr. C. P. Economides, Mr. Z. Galicki, Mr. G. Hafner, Mr. R. Rosenstock and Mr. J. Dugard (*Ex-officio*);

(d) *Prevention of transboundary damage from hazardous activities*: Mr. C. Yamada (Chairman), Mr. P. S. Rao (Special Rapporteur), Mr. E. A. Addo, Mr. E. J. A. Candioti, Mr. C. P. Economides, Mr. L. Ferrari Bravo, Mr. G. Hafner, Mr. G. Pambou-Tchivounda, Mr. B. Simma and Mr. J. Dugard (*Ex-officio*);

(e) *Diplomatic protection*: an open-ended Working Group under the chairmanship of Mr. M. Bennouna (Special Rapporteur);

(f) *Future topics*: Mr. I. Brownlie (Chairman), Mr. R. I. Goco, Mr. Q. He, Mr. M Herdocia Sacasa, Mr. V. Mikulka, Mr. D. Opertti-Badan, Mr. B. Sepúlveda and Mr. B. Simma.

E. Secretariat

9. Mr. Hans Corell, Under-Secretary-General for Legal Affairs, the Legal Counsel, opened the session and represented the Secretary-General. Mr. Roy S. Lee, Director of the Codification Division of the Office of Legal Affairs, acted as Secretary to the Commission and, in the absence of the Legal Counsel, represented the Secretary-General. Mr. Manuel Rama-Montaldo, Deputy Director of the Codification Division acted as Deputy Secretary to the Commission. Ms. Mahnoush H. Arsanjani, Senior Legal Officer, served as Senior Assistant Secretary to the Commission; Ms. Christiane Bourloyannis-Vrailas, Mr. David Hutchinson, Mr. George Korontzis and Ms. Virginia Morris, Legal Officers, served as Assistant Secretaries to the Commission.

F. Agenda

10. At its 2519th meeting, on 20 April 1997, the Commission adopted an agenda for its fiftieth session consisting of the following items:

1. Organization of work of the session.
2. State responsibility.
3. International liability for injurious consequences arising out of acts not prohibited by international law. (Prevention of transboundary damage from hazardous activities.)
4. Reservations to treaties.
5. Diplomatic protection.
6. Unilateral acts of States.
7. Programme, procedures and working methods of the Commission and its documentation.
8. Cooperation with other bodies.
9. Date and place of the fifty-first session.
10. Other business.